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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KIRK MAYEDA,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.
a/k/a KROGER, a Foreign Corporation;
SECURITAS SECURITY SERVICES USA,
INC., a Foreign Corporation; DOE EMPLOYEE;
DOES I-X; ROE ENTITIES I-X, inclusive,

Defendants.

CASE NO. 2:24-cv-01733-CDS-EJY

~~PROPOSED DISCOVERY PLAN AND~~
SCHEDULING ORDER

On February 7, 2025, undersigned counsel for Plaintiff Kirk Mayeda and for Defendant Smith's Food & Drug Center, Inc. a/k/a Kroger ("Smith's") conferred in accordance with Fed. R. Civ. P. 26(f). Plaintiff filed his First Amended Complaint on December 18, 2024. Defendant Smith's filed its Answer on December 26, 2024. Defendant Securitas Security Services USA, Inc. ("Securitas") filed its Answer on February 5, 2025, and we are in the process of scheduling another Fed. R. Civ. P. 26(f) conference with all parties. A Stipulation and Order to Extend Discovery (First Request) was granted on January 7, 2025, extending discovery deadlines by 60 days. Good cause exists to give the parties an additional 60 days from the date of removal to complete discovery as Defendant Securitas just filed its appearance in the case. The undersigned hereby submit the following Proposed Discovery Plan and Scheduling Order required by Fed. R. Civ. P. 26(f).

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Proposed Deadline for Amending Pleadings and Joining Additional Parties.

The parties agree that a reasonable deadline for amending pleadings and joining additional parties is April 18, 2025.

1. Magistrate.

The parties have conferred and do not consent to a trial by a magistrate judge or the use of the Short Trial Program.

2. Proposed Discovery Plan.

a. **Initial Disclosures.** Defendant Smith's provided its initial disclosures to Plaintiff on October 31, 2024, and Plaintiff provided his initial disclosures to Defendant on October 22, 2024.

b. **Subjects and potential phasing of Discovery.** The parties anticipate conducting discovery in this action regarding: (1) the claims and allegations in Plaintiff's Complaint; (2) Defendant's affirmative and other defenses thereto; and (3) expert witnesses identified by the parties. Specifically, each party intends to pursue discovery related to the subject incident and injuries to Plaintiff. The parties do not propose phasing discovery.

c. **Electronically stored information.** No issues at this time. The parties will meet and confer should any issues arise prior to involving the Court.

d. **Privilege issues.** None at this time.

e. **Proposed limitations on discovery.** None at this time.

f. **Discovery related orders.** A Stipulation and Order to Extend Discovery (First Request) was granted on January 7, 2025.

g. **Expert related discovery.** Per LCR 26(b)(3), expert disclosures will be made by May 19, 2025, and rebuttal experts will be disclosed by June 18, 2025.

3. Proposals for prompt case resolution. The parties believe the case may be resolved after some initial discovery.

a. **Alternative dispute resolutions.** The parties have conferred and discussed settlement and agree to revisit the issue after some discovery has been conducted.

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- 1 b. **Related cases.** None.
- 2 c. **Discovery management.** The parties believe they can cooperate in the
- 3 management of discovery.
- 4 d. **Preservation of discoverable information.** No issues at this time.
- 5 **4. Date by which discovery can be completed.** July 15, 2025.
- 6 **5. Dispositive motion deadline.** August 14, 2025.
- 7 **6. Joint pretrial order deadline.** September 15, 2025, or in the event that the Parties
- 8 file dispositive motions, the date for filing the joint pretrial order shall be suspended until thirty
- 9 (30) days after decision on the dispositive motions or further order of the Court. The disclosure
- 10 required by Federal Rule of Civil Procedure 26(a)(3) and objections thereto shall be made in the
- 11 pre-trial order.
- 12 **7. Extension of Discovery Deadline:** Requests to extend the discovery shall comply
- 13 with Federal Rule of Civil Procedure 16 and LR 26-3.
- 14 **8. Discovery Phasing.** None.
- 15 **9. Scheduling Conference.** The parties agree that there is no need for a scheduling
- 16 conference prior to a scheduling order being issued in this case.
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10. Electronic Service: The parties have agreed that, to the extent possible in light of the volume of the submission, all court filings, to the extent not served through ECF (e.g., filings under seal), may be served via e-mail, and such service shall constitute proper service under Fed. R. Civ. P. 5(b)(2)(E). The parties have further agreed that each party may serve discovery, in lieu of other service methods, by e-mail under Fed. R. Civ. P. 5(b)(2)(E) on all counsel who have entered an appearance on behalf of the party to be served.

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AND

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The above-set stipulated Discovery Plan of the parties shall be the Scheduling Order for this action pursuant to Federal Rule of Civil Procedure 16(b) and Local Rule 16-1.

Raymond J. Zouchak
UNITED STATES MAGISTRATE JUDGE